

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

CHRISTOPHER K. PEDERSEN : **CIVIL ACTION NO.** _____
VERSUS : **JUDGE** _____
STATE FARM FIRE & CASUALTY : **MAGISTRATE JUDGE** _____
INSURANCE COMPANY

NOTICE OF REMOVAL

TO: Honorable Judges of
The United States District Court
Western District of Louisiana

Defendants State Farm Fire & Casualty Company (“State Farm”) files this Notice of Removal pursuant to 28 U.S.C. § 1446.

1.

State Farm is defendant in an action filed in the 14th Judicial District Court for Calcasieu Parish, Louisiana, which is styled Christopher K. Pedersen v. State Farm Fire and Casualty Company, Case No. 2019-4208 “F”.

2.

The Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332. Federal diversity jurisdiction exists over this case because the amount in controversy exceeds \$75,000.00 and the citizenship of all proper parties is diverse.

3.

Pursuant to 28 U.S.C. § 1446 (a), a complete copy of the state court file, consisting of the Summons and the Petition, is attached as Exhibit A.

4.

Pursuant to 28 U.S.C. § 1446 (b), a copy of this Notice of Removal is being served on the Plaintiff and filed with the 14th Judicial District Court for Calcasieu Parish, Louisiana.

Timely Removal

5.

28 U.S.C. § 1446 (b) requires the notice of removal of a civil action to be filed within thirty days after receipt of the initial pleading setting forth the claim for relief, by service or otherwise.

6.

State Farm received a courtesy copy of the Petition for Damages on September 5, 2019. On September 17, 2019, service of process was effected on State Farm through the Louisiana Secretary of State.

7.

Accordingly, this notice of removal is timely filed within 30 days of formal service of the plaintiff's Petition.

8.

Defendants hereby reserve any and all rights to assert defenses to plaintiff's Petition, including but not limited to, insufficiency of service of process, lack of personal jurisdiction, improper venue, lack of procedural capacity, improper cumulation of actions, no right of action, lack of standing, prescription, preemption, res judicata, collateral estoppel and no cause of action.

9.

Accordingly, this notice of removal is timely filed within 30 days of formal service of the plaintiff's Petition. *Murphy Bros., Inc. v. Michetti Pipe Stringing Co., Inc.*, 526 U.S. 344, (1999).

Diversity Jurisdiction Exists

10.

This Court has diversity jurisdiction over this civil action pursuant to 28 U.S.C. § 1332. The amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs. Further, the parties to this civil action are completely diverse. Pursuant to 28 U.S.C. § 1441 (a), this action is removable because the district courts of the United States have original jurisdiction.

11.

Upon information and belief, Christopher K. Pedersen is a citizen/domiciliary of Louisiana.

12.

State Farm is a Wilmington corporation with its principal place of business in Wilmington, Delaware.

13.

Reservation of Rights and Defenses; Demand for Jury Trial

14.

Defendant reserves the right to supplement or amend this Notice of Removal.

15.

Defendant reserves all defenses, and the filing of this Notice of Removal is subject to, and without waiver, of any and all defenses.

WHEREFORE, Defendant respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

STOCKWELL, SIEVERT, VICCELLIO,
CLEMENTS & SHADDOCK, L.L.P.

BY: /s/ Todd M. Ammons

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CERTIFICATE OF FILING NOTICE OF REMOVAL

I HEREBY CERTIFY that I have mailed a notice of the filing of this Notice of Removal, together with a copy of the Notice of Removal, to David P. Bruchhaus, Lake Charles, Louisiana, 70605, attorney for plaintiff.

Lake Charles, Louisiana this 4th day of October, 2019.

Respectfully submitted,

STOCKWELL, SIEVERT, VICCELLIO,
CLEMENTS & SHADDOCK, L.L.P.

BY: /s Todd M. Ammons
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